

**REMARKS**

Claims 1-60 are currently pending in this Application. The Office Action dated December 16, 2003, rejected Claims 1-60. In response, Applicants have amended claims 1, 4, 7-12, 14-16, 18-19, 21, 37, 40, 48-50, 55 and 59, and cancelled Claims 33 and 38 to further clarify the patentable subject matter of the claimed invention. No new matter has been added by any of these amendments. For the reasons discussed in detail below, Applicants submit that the pending claims are patentable over the art of record.

**Rejection under 35 U.S.C. 103(a):**

The instant Office Action rejected Claims 1-7, 16-22, 30-33, 37-39, 50-51, 54-55, and 59-60 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,774,660, Brendel, et al. ("Brendel") in view of U.S. Patent No. 6,173,322B1, Hu ("Hu").

In regard to amended Claim 1, the claimed invention teaches selecting one Internet Protocol (ip) address associated with a plurality of virtual servers. As defined in the specification, a virtual server is not the actual content server where a resource is accessed. Instead, a virtual server is a specific combination of a virtual IP address and a virtual port that can be managed by either a server array controller or a host machine. Access to an actual resource is provided at a node server that operates on a separate intranet that is managed by a server array controller. (Page 6, lines 20-21). Thus, the claimed invention provides an IP address for an endpoint (virtual server) that is not the physical IP address where access to a resource is ultimately provided. (Page 4, lines 19-24).

In contrast, Hu discloses providing a direct connection (or information for making a direct connection) between a client and a load balanced content server that provides access to a requested resource. (See Abstract). Similarly, nowhere in Brendel is there a teaching or suggestion for providing an IP address for a virtual server in a reply to a DNS. Instead, Brendel teaches a load balancer that first receives all requests and which determines the physical IP address for another node that can provide access to a requested resource. (See Abstract)





**CONCLUSION**

By the foregoing explanations, Applicants believe that this response has addressed fully all of the concerns expressed in the Office Action dated December 16, 2003, and believe that it has placed each of the pending claims in condition for immediate allowance. Entry of the amendments and early favorable action in the form of a Notice of Allowance is urged. Should any further aspects of the application remain unresolved, the Examiner is invited to telephone Applicants' attorney at the number listed below.

Dated: March 16, 2004

Respectfully submitted,

By 

John W. Branch

Registration No. 41,633

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(206) 262-8900

(212) 753-6237 (Fax)

Attorneys/Agents For Applicant